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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/619,629	07/16/2003	Teruaki Sogawa	040894-5942	7286
9629	7590	01/20/2006	EXAMINER	
MORGAN LEWIS & BOCKIUS LLP 1111 PENNSYLVANIA AVENUE NW WASHINGTON, DC 20004			HALEY, JOSEPH R	
			ART UNIT	PAPER NUMBER
			2653	
DATE MAILED: 01/20/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/619,629

Applicant(s)

SOGAWA ET AL.

Examiner

Joseph Haley

Art Unit

2653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1 is/are allowed.
- 6) ☒ Claim(s) 2 and 6 is/are rejected.
- 7) ☒ Claim(s) 3-5 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

The information disclosure statement filed 7/16/06 has been considered by the Examiner. However, the Japan and/or other foreign documents, if they have not been written in English, are considered to the extent that could be considered to the extent that could be understood from the English Abstract and Drawings.

Specification

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Drawings

Figures 16-19 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

and 6 are
Claim ~~2~~² is rejected under 35 U.S.C. 103(a) as being unpatentable over the applicant's prior art in view of Ueda (US 6178155).

In regard to claim 2, the prior art teaches a base made of synthetic resin and having a laser hole (fig. 16 element 1), a diffraction grating operating hole provided to penetrate a laser hole side wall portion of the base (fig. 17 element 30), a laser mounting surface formed around an opening portion 9 (fig. 19B element 1A) of the laser hole and an operating rod inserted into the operating hole is brought into contact with an outer circumferential surface of the diffraction grating so as to rotate the diffraction grating at a predetermined angle (paragraph 5).

Ueda teaches a notch groove formed in the laser hole side wall portion so as to range from the laser mounting surface to the operating hole (fig. 2 elements 110 and 101 see also column 3 lines 1-3); a photodiode supporting holder made of metal and attached to the laser mounting surface and having a fitting piece integrally formed so as to project thereon and removably fitted into the notch groove (fig. 2 elements 170 and 105). While Ueda does not teach the use of the same notch it would be obvious to use the same notch because it would make the invention smaller); wherein the

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operating hole is defined between a forward end of the fitting piece and an inner end of the notch groove (fig. 2 element 121. While Ueda does not teach an operating rod, the reference does teach an adjusting member which is an equivalent to an operating rod).

The two are analogous art because they both deal with the same field of invention, which is optical recording apparatus.

At the time of invention it would have been obvious to one ordinary skill in the art to provide the apparatus of the prior art with the notch groove of Ueda. The rationale is as follows: At the time of invention it would have been obvious to provide the apparatus of the prior art with the notch groove of Ueda because it would allow the apparatus to be put together without experiencing a resonance phenomenon.

~~Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over the applicant's prior art in view of Ueda further considered with Official Notice.~~

In regard to claim 6, the applicant's prior art and Ueda teach all the elements of claim 5 except plurality of radiator fins are provided to project from the holder.

The examiner takes Official Notice that radiator fins are a well known and used method of dissipating heat and would have been obvious to include on the apparatus for this purpose.

Allowable Subject Matter

Claim 1 is allowed.

The following is a statement of reasons for the indication of allowable subject matter: The prior art fails to teach a recess portion formed in the laser mount surface except circumferential edge portions of the threaded holes.

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01/2
Claims 3-5

would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph Haley whose telephone number is 571-272-0574. The examiner can normally be reached on M-F 8:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Korzuch can be reached on 571-272-7589. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

jrh

Joseph Haley